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June 30, 2023

VIA ECF

Honorable Jennifer L. Rochon
United States District Court
Southern District of New York
500 Pearl Street, Room 1920
New York, NY 10007

The request is DENIED. The filing of a motion to dismiss is not, alone, good cause to stay discovery. See, e.g., *Republic of Turkey v. Christie's, Inc.*, 316 F. Supp. 3d 675, 677 (S.D.N.Y. 2018). Should Defendants wish to seek a stay of discovery pending a motion to dismiss, they may make that motion no later than one week prior to the Initial Pretrial Conference, and the Court will address that request at the conference.

SO ORDERED.

Dated: June 30, 2023
New York, New York

Jennifer Rochon
JENNIFER L. ROCHON
United States District Judge

Re: Samuel R. Mitchell, Jr. v. Planned Parenthood of Greater New York, et. al
Case No.: 1:23-cv-01932(JLR)

Dear Judge Rochon:

The law firm Kaufman Dolowich Voluck LLP represents the Defendants in the above-referenced matter. We write regarding the upcoming in-person Initial Pretrial Conference, currently scheduled for July 11, 2023, at 2:30 p.m and the corresponding Civil Case Management Plan and Scheduling Order. Defendants request an adjournment of the Initial Pretrial Conference and the Civil Case Management Plan and Scheduling Order.

As you are aware, Defendants filed a Motion to Dismiss the Amended Complaint on May 26, 2023. The parties have fully briefed the motion and now await this Court's Decision and Order. The motion seeks dismissal of all of Plaintiff's causes of action against all Defendants. Due to the pending motion, the nature and extent of discovery that may be necessary to address Plaintiff's claims is uncertain. Accordingly, Defendants believe an adjournment may be most efficient for purposes of preparing an appropriate and adequate Civil Case Management Plan and Scheduling Order.

This is Defendants' first request for an adjournment of the Initial Pretrial Conference and the corresponding Civil Case Management Plan and Scheduling Order.

Counsel for Plaintiff, Derek Sells, Esq., of The Cochran Firm, does not consent to the filing of this letter seeking the adjournment. His stated reason, as Defense Counsel understands it, was that he did not feel the adjournment was necessary as your Honor can inform the parties at the conference if you would like to adjourn the proceeding.

As Plaintiff does not consent to this request, the parties have not agreed upon three (3) alternate dates to which the conference may be adjourned. Defendants suggest the following dates: (1) August 1, 2023; (2) August 15, 2023; and (3) August 22, 2023.

Thank you for your consideration of this request. Should Your Honor have any questions or concerns, please feel free to contact our office.

Respectfully submitted,

Kaufman Dolowich Voluck LLP



Alina Nadir, Esq.

Cc: To All Counsel of Record Via ECF